IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Group Art Unit: 3628
	:	Examiner: Eric Liou
Ira R. Forman et al.	:	Intellectual Property
Serial No: 10/675,675	:	Law Department
Filed: 09/30/2003	:	International Business
Title: DISTRIBUTED COMPUTING	:	Machines Corporation
CONNECTED VIA THE WORLD WIDE	:	Customer No. 25,299
WEB WITH A SYSTEM FOR	:	
TRACKING THE DISTRIBUTION OF	:	
COMPUTER POWER FROM CLIENT	:	
PROVIDERS TO CONSUMERS SO AS	:	
TO COMPENSATE PROVIDERS AND	:	
BILL USER CONSUMERS	:	
Date: _01/08/08_	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

This is an Appeal from the Final Rejection of Claims 1-5, 8-12, and 21-25 of this Application dated August 7, 2007. Section VIII. Appendix containing a copy of each of the Claims is attached.

I.   Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

II.   Related Appeals and Interferences
None

III.   Status of Claims

A.   TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 16 claims in this Application.

B.   STATUS OF ALL THE CLAIMS

1.   Claims cancelled: 6-7, and 13-20.
2.   Claims withdrawn from consideration but not cancelled: None.
3.   Claims pending: 1-5, 8-12, and 21-25.
4.   Claims allowed: None.
5.   Claims rejected: 1-5, 8-12, and 21-25.

C. CLAIMS ON APPEAL

Claims on appeal: 1-5, 8-12, and 21-25.

IV   Status of Amendments
No amendments have been filed after Final Rejection.

V. Summary of Claimed Subject Matter

Independent claim 1 is annotated as follows with respect to the Specification and Drawings.

1. In a system for distributed computing connected via the World Wide Web (Web) [World Wide Web 50, Fig. 2, described in present specification at page 8, line 23 to page 9, line 2], a system for tracking distributed computer power to users and compensating computer power providers comprising:

a computer power service broker [page 9, lines 2-7, sets forth that Web Service Provider Server 53, Fig. 2 functions as the service broker];

means, associated with said broker, for soliciting each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each respective client computer station [page 9, lines 25-34, broker 53, Fig. 2 solicits client computer stations 63-66];

means, associated with said broker, for soliciting a plurality of consumer stations on the Web to request performance of functions requiring computer power [page 9, lines 19-25, broker 53 solicits consumer stations 42, 43, and 57, Fig. 2];

means, associated with said broker, for distributing each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power [page 13, describes step 74, Fig. 3, the implementation of which is described on page 10, lines 6-16 with respect to client computer stations 63-66 through server 62 from broker 53, Fig. 2];

means for permitting, by each of said client computer stations, said computer power service broker to access, via the Web, the computer power of said client computer station;

[page 10, lines 2-6 with respect to client computer stations 63-66 through server 62 from broker 53, Fig. 2 describes how the broker 53 gets agreement or permission from the client stations.]

means for distributing through said broker via the Web to said client computer station, a process permitting said computer power service broker to access the computer power of said client station [page 10, lines 6-16 with respect to client computer stations 63-66 the distribution of a computer program by broker 53, Fig.2 controlling such access];

means, associated with said broker, for tracking and for billing consumer stations for computer power used in performance of requested functions [page 10, lines 10-16 describes the function of tracking and billing for the poser of power providing clients 63-66 to consuming clients 42, 43, and 47, Fig. 2]; and

means, associated with said broker, for tracking and compensating said client computer stations for said excess computer power used in performance of said requested functions [page 10, lines 10-16 describes the function of tracking and billing for the poser of power providing clients 63-66 to consuming clients 42, 43, and 47, Fig. 2].

Dependent claim 2, from which dependent claims 3-6 further depend is annotated as follows with respect to the Specification and Drawings.

2. The Web system for tracking distributed computer power of claim 1 further including means associated with said broker for determining market value of computer power provided by each client computer station in performance of said requested functions [page 13, lines 14-18, with reference to step 75, Fig. 3].

Independent claim 8 is annotated as follows with respect to the Specification and Drawings.

8. In distributed computing via the World Wide Web (Web) connections [World Wide Web 50, Fig. 2, described in present specification at page 8, line 23 to page 9, line 2], a method for tracking distributed computer power to users and compensating computer power providers comprising:

soliciting, through a computer power service broker [page 9, lines 2-7, sets forth that Web Service Provider Server 53, Fig. 2 functions as the service broker], each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each client respective computer station [page 9, lines 25-34, broker 53, Fig. 2 solicits client computer stations 63-66];

soliciting, through a computer power service broker, a plurality of consumer stations on the Web to request performance of functions requiring computer power [page 9, lines 19-25, broker 53 solicits consumer stations 42, 43, and 57, Fig. 2];

distributing, through said broker, each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power [page 13, describes step 74, Fig. 3, the implementation of which is described on page 10, lines 6-16 with respect to client computer stations 63-66 through server 62 from broker 53, Fig. 2];

permitting, by each of said client computer stations, said computer power service broker to access, via the Web, the computer power of said client computer station [page 10, lines 2-6 with respect to client computer stations 63-66

through server 62 from broker 53, Fig. 2 describes how the
broker 53 gets agreement or permission from the client
stations];

distributing through said broker via the Web to said
client computer station, a process permitting said computer
power service broker to access the computer power of said
client station [page 10, lines 6-16 with respect to client
computer stations 63-66 the distribution of a computer
program by broker 53, Fig.2 controlling such access];

tracking and for billing, through said broker, consumer
stations for computer power used in performance of requested
functions [page 10, lines 10-16 describes the function of
tracking and billing for the poser of power providing
clients 63-66 to consuming clients 42, 43, and 47, Fig. 2];
and

tracking and compensating, through said broker, said
client computer stations for said excess computer power used
in performance of said requested functions [page 10, lines
10-16 describes the function of tracking and billing for the
poser of power providing clients 63-66 to consuming clients
42, 43, and 47, Fig. 2].

**Dependent claim 9, from which dependent claims 10-12
further depend is annotated as follows with respect to the
Specification and Drawings.**

9. The method for tracking distributed computer power of
claim 8 further including the step of determining, through
said broker, market value of computer power provided by each
client computer station in performance of said requested
functions [page 13, lines 14-18, with reference to step 75,
Fig. 3].

Independent claim 21 is annotated as follows with respect to the Specification and Drawings.

21. A computer program comprising a computer useable medium having a computer readable program for tracking distributed computer power to users and compensating computer power providers in distributed computing via the World Wide Web (Web) connections [Fig. 3, step 71 described on page 12, lines 24-30], wherein the computer readable program when executed on a computer causes the computer to:

solicit, through a computer power service broker, each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each client respective computer station [Fig. 3, step 72 described on page 12, line 32 through page 13, line 2];

solicit, through a computer power service broker, a plurality of consumer stations on the Web to request performance of functions requiring computer power [Fig. 3, step 73 described on page 13, lines 2-7];

distribute, through said broker, each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power [Fig. 3, step 74 described on page 13, lines 7-10];

enable each of said client computer stations to permit said computer power service broker to access, via the Web, the computer power of said client computer station [page 10, lines 2-6 with respect to client computer stations 63-66 through server 62 from broker 53, Fig. 2 describes how the broker 53 gets agreement or permission from the client stations];

distribute through said broker via the Web to said client computer station, a process permitting said computer power service broker to access the computer power of said

client station [page 10, lines 6-16 with respect to client computer stations 63-66 the distribution of a computer program by broker 53, Fig.2 controlling such access];

track and bill, through said broker, consumer stations for computer power used in performance of requested functions [Fig. 3, step 75 described on page 13, lines 10-18]; and

track and compensate, through said broker, said client computer stations for said excess computer power used in performance of said requested functions [Fig. 3, step 76 described on page 13, lines 18-21].

Dependent claim 22, from which dependent claims 23-25 further depend is annotated as follows with respect to the Specification and Drawings.

22. The computer program of claim 21 wherein the program further causes the computer to determine through said broker, market value of computer power provided by each client computer station in performance of said requested functions [page 13, lines 14-18, with reference to step 75, Fig. 3].

VI. Grounds of Rejection to be Reviewed on Appeal

A. Claims 1, 8, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al. (US2002/0165819).

B. Claims 2-3, 5, 9-10, 12, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al. (US2002/0165819) in view of Burnett (US2004/0093295).

C. Claims 4, 11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al. (US2002/0165819) in view of Burnett (US2004/0093295) further in view of Shuster, (US2003/0009533).

VII. Argument

The Rejection of claims 1-5, 8-12, and 21-25, all of the claims herein, as anticipated, and thus unpatentable under 35 USC 102(e) over McKnight (2002/0165819) is Respectfully Traversed

Accordingly, it is submitted that all remaining claims: 1-5, 8-12, and 21-25 are patentable under 35 USC 102(e) and not anticipated by McKnight et al. (US2002/0165,819). The invention as defined in independent claims 1, 8, and 21 cover an embodiment wherein:

- <u>each of the client stations providing power permits the power service broker access, via the Web, to their available computer power</u>, and

- the <u>broker then distributes,</u> via the Web, to these client stations (providing the computer power) <u>a process enabling the broker to access the computer power of a client station.</u> (These elements are in each of independent claims 1, 8, and 21)

In this connection reference is made to the annotated claim 8 hereinabove, representative of the three independent claims, which refers to page 10, lines 1-14 of the present specification wherein there is described that in response to a client station agreeing or permitting access to its computer power, the service provider broker then distributes to agreeing client, a process (simple program) enabling the service provider broker to access the processing power from the client station. There is nothing in McKnight suggestive of this claimed implementation.

McKnight does generally disclose a variety of computer power distribution functions including soliciting power from client stations, distributing such power to a set of

consumers, tracking consumer usage, and carrying out appropriate collection and payment to client stations. However, Mcknight fails to disclose the above mentioned combination of underlined elements:

Accordingly, it is submitted that the teaching of McKnight does not anticipate the invention defined in the independent claims 1, 8, and 21 under 35 U.S.C. 102. The MPEP in Section 706.02IV sets forth that the reference must teach every aspect of the claimed invention either explicitly or impliedly. McKnight does not disclose the combination:

each of the client stations providing power permits the power service broker access, via the Web, to their available computer power, and

broker then distributes a process enabling the broker to access the computer power of a client station.

The Rejection of Dependent claims 2-3, 5, 9-10, 12, 22-23, and 25 under 35 USC 103(a) over above McKnight in view of Burnett (US2004/0093295) is respectfully Traversed.

Claims 2-3, 5, 9-10, 12, 22-23, and 25 are submitted to be patentable over the basic McKnight publication for all of the reasons set forth hereinabove for the patentability of Independent claims 1, 8, and 21 from which these claims respectively depend. In addition these claims respectively claim further individual functions such as determining market value of the provided computer power; or paying the client stations such market value; or determining value based upon the type of data processed; or billing for such services by creating bills as Web documents. Even it be conceded that these further functions are suggested by Burnett, it remains respectfully submitted that these dependent claims are patentable for all of the reasons set

forth for the patentability of their respective independent claims 1, 8, and 21.

The Rejection of Dependent claims 4, 11, and 24 under 35 USC 103(a) over above McKnight in view of Burnett(US2004/0093295 Further in view of Shuster (2002/0165819) is respectfully Traversed.

Claims 4, 11, and 24 are submitted to be patentable over the basic McKnight publication for all of the reasons set forth hereinabove for the patentability of Independent claims 1, 8, and 21 from which these claims respectively depend. In addition these claims respectively claim further individual functions wherein the computer power consumers are owned by charitable organizations, and a Web document indicating the donation to the contribution of the charitable organization is the given in compensation to the client stations contributing such computer power. Here again, even it be conceded that these further functions are suggested by Burnett in view of Shuster, it remains respectfully submitted that these dependent claims are patentable for all of the reasons set forth for the patentability of their independent claims.

As set forth above, in order to narrow the issues on Appeal, Appellants have chosen not to argue the specific patentability of dependent claims 2-5, 9-12, and 22-25, and to base the patentability of these dependent claims upon the patentability of their respective independent claims: 1, 8, and 21.

Conclusion

In view of the foregoing, it is submitted that Claims 1-5, 8-12, and 21-25 are now in condition for allowance, and such allowance is respectfully requested.

Accordingly, the Board of Appeals is respectfully requested to reverse the final rejection and find claims 1-5, 8-12, and 21-25 in condition for allowance.

Respectfully submitted,

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VIII. Claims Appendix

1   1.   In a system for distributed computing connected via the
2   World Wide Web (Web), a system for tracking distributed
3   computer power to users and compensating computer power
4   providers comprising:
5   a computer power service broker;
6   means, associated with said broker, for soliciting each
7   of a plurality of client computer stations on the Web to
8   offer for general distribution over the Web computer power
9   in excess to the computer power requirements of each
10   respective client computer station;
11   means, associated with said broker, for soliciting a
12   plurality of consumer stations on the Web to request
13   performance of functions requiring computer power;
14   means, associated with said broker, for distributing
15   each of said requested functions requiring computer power
16   among a plurality of said client computer stations offering
17   said computer power;
18   means for permitting, by each of said client computer
19   stations, said computer power service broker to access, via
20   the Web, the computer power of said client computer station;
21   means for distributing through said broker via the Web
22   to said client computer station, a process permitting said
23   computer power service broker to access the computer power
24   of said client station;
25   means, associated with said broker, for tracking and
26   for billing consumer stations for computer power used in
27   performance of requested functions; and
28   means, associated with said broker, for tracking and
29   compensating said client computer stations for said excess
30   computer power used in performance of said requested
31   functions.

1 2. The Web system for tracking distributed computer power
2 of claim 1 further including means associated with said
3 broker for determining market value of computer power
4 provided by each client computer station in performance of
5 said requested functions.

1 3. The Web system for tracking distributed computer power
2 of claim 2 wherein said means for compensating said client
3 computer stations for said computer power pay said client
4 computer stations the market value of the computer power
5 provided.

1 4. The Web system for tracking distributed computer power
2 of claim 2 wherein:
3   said consumer stations requesting the performance of
4 functions requiring computer power are owned by charitable
5 organizations; and
6   said means compensating said client computer stations
7 for said computer power by providing a Web document
8 indicating the contribution of the market value of the
9 computer power supplied.

1 5. The Web system for tracking distributed computer power
2 of claim 2 wherein the market value of the computer power
3 provided by each client computer station is determined by an
4 amount of data processed and a type of data processing used
5 in processing the data.

1 8.   In distributed computing via the World Wide Web (Web)
2 connections, a method for tracking distributed computer
3 power to users and compensating computer power providers
4 comprising:
5   soliciting, through a computer power service broker,
6 each of a plurality of client computer stations on the Web
7 to offer for general distribution over the Web computer
8 power in excess to the computer power requirements of each
9 client respective computer station;
10   soliciting, through a computer power service broker, a
11 plurality of consumer stations on the Web to request
12 performance of functions requiring computer power;
13   distributing, through said broker, each of said
14 requested functions requiring computer power among a
15 plurality of said client computer stations offering said
16 computer power;
17   permitting, by each of said client computer stations,
18 said computer power service broker to access, via the Web,
19 the computer power of said client computer station;
20   distributing through said broker via the Web to said
21 client computer station, a process permitting said computer
22 power service broker to access the computer power of said
23 client station;
24   tracking and for billing, through said broker, consumer
25 stations for computer power used in performance of requested
26 functions; and
27   tracking and compensating, through said broker, said
28 client computer stations for said excess computer power used
29 in performance of said requested functions.

1 9. The method for tracking distributed computer power of
2 claim 8 further including the step of determining, through
3 said broker, market value of computer power provided by each
4 client computer station in performance of said requested
5 functions.

1 10. The method for tracking distributed computer power of
2 claim 9 wherein said step of compensating said client
3 computer stations for said computer power pays said client
4 computer stations the market value of the computer power
5 provided.

1 11. The method for tracking distributed computer power of
2 claim 9 wherein:
3   said consumer stations requesting the performance of
4 functions requiring computer power are owned by charitable
5 organizations; and
6   said step of compensating said client computer stations
7 for said computer power provides a Web document indicating
8 the contribution of the market value of the computer power
9 supplied.

1 12. The method for tracking distributed computer power of
2 claim 9 wherein the market value of the computer power
3 provided by each client computer station is determined by an
4 amount of data processed and a type of data processing used
5 in processing the data.

1 21. A computer program comprising a computer useable medium
2 having a computer readable program for tracking distributed
3 computer power to users and compensating computer power
4 providers in distributed computing via the World Wide Web
5 (Web) connections, wherein the computer readable program
6 when executed on a computer causes the computer to:
7   solicit, through a computer power service broker, each
8 of a plurality of client computer stations on the Web to
9 offer for general distribution over the Web computer power
10 in excess to the computer power requirements of each client
11 respective computer station;
12   solicit, through a computer power service broker, a
13 plurality of consumer stations on the Web to request
14 performance of functions requiring computer power;
15   distribute, through said broker, each of said requested
16 functions requiring computer power among a plurality of said
17 client computer stations offering said computer power;
18   enable each of said client computer stations to permit
19 said computer power service broker to access, via the Web,
20 the computer power of said client computer station;
21   distribute through said broker via the Web to said
22 client computer station, a process permitting said computer
23 power service broker to access the computer power of said
24 client station;
25   track and bill, through said broker, consumer stations
26 for computer power used in performance of requested
27 functions; and
28   track and compensate, through said broker, said client
29 computer stations for said excess computer power used in
30 performance of said requested functions.

1   22.   The computer program of claim 21 wherein the program
2   further causes the computer to determine through said
3   broker, market value of computer power provided by each
4   client computer station in performance of said requested
5   functions.

1   23.   The computer program of claim 22 wherein said computer
2   program causes the computer to compensate said client
3   computer stations for said computer power by paying said
4   client computer stations the market value of the computer
5   power provided.

1   24.   The computer program of claim 22 wherein:
2   said consumer stations requesting the performance of
3   functions requiring computer power are owned by charitable
4   organizations; and
5   said computer program causes the computer to compensate
6   said client computer stations for said computer power by
7   providing a Web document indicating the contribution of the
8   market value of the computer power supplied.

1   25.   The computer program of claim 22 wherein said computer
2   program causes the computer to determine market value of the
3   computer power provided by each client computer station by
4   an amount of data processed and a type of data processing
5   used in processing the data.

IX. Evidence Appendix

There was no evidence presented in the prosecution of the present Application.

X. Related Proceedings Appendix

There are no proceedings related to the present proceedings.